

MAGISTRATE JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGIO GONZALEZ-PEREZ,

Defendant.

NO. CR10-5531RJB

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE
INDICTMENT UNDER SPEEDY TRIAL
ACT

The Court, having considered the parties' Joint Motion To Extend Time To File Indictment Under Speedy Trial Act finds that:

1. Mr. Gonzalez-Perez is charged by Complaint with Illegal Reentry After Deportation, alleged to have occurred on or about July 8, 2010, in violation of Title 8, United States Code, Section 1326(a). Defendant was arrested and made his Initial Appearance on August 3, 2010, at which time the Court ordered that the defendant be detained in custody pending further proceedings, and Defendant executed a Waiver of Preliminary Hearing

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a summons in connection with such charges. 18 U.S.C. §3161(b). Hence, at the present time, the United

1 States must obtain an Indictment in this case on or before September 3, 2010, to meet the
2 requirements of the Speedy Trial Act.

3 3. The defendant is diligently conducting an investigation into the circumstances
4 surrounding his situation at the time of his alleged offense. The defendant does not believe
5 that his investigation will be completed by the expiration of the time to obtain an Indictment.
6 The defendant believes that the results of its investigation will be essential to preparing his
7 defense, and may facilitate a resolution of this matter.

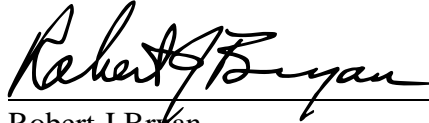
8 4. Accordingly, the parties are seeking an Order continuing the time within which
9 an Indictment must be filed on the ground that the “ends of justice served by taking such
10 action outweigh the best interest of the public and the defendant in a speedy trial,” as
11 permitted by 18 U.S.C. §§ 3161(h)(7)(A), (B)(I) and (B)(iv).

12 5. Given that the defense’s investigation remains incomplete, the parties believe
13 that the failure to grant this extension would deny the defense the reasonable time necessary
14 for adequate and effective preparation, taking into account the exercise of due diligence. The
15 parties believe that a denial of a continuance would result in a miscarriage of justice.

16 6. The defendant has executed a Waiver of Speedy Trial waiving rights under the
17 Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this regard, and has
18 further agreed that the period from September 3, 2010, until November 30, 2010, shall be an
19 excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(A).

20 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an indictment
21 be continued to, and including, November 30, 2010. The period of delay resulting from this
22 continuance from September 3, 2010, to, and including, November 30, 2010, is hereby
23 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7).

1 DONE this 27th day of August, 2010.
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6 Robert J Bryan
7 United States District Judge
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10 Presented by:
11

12 /s/ Colin Fieman
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14 Colin Fieman
15 Attorney for Defendant
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17 /s/ John Odell
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19 John Odell
20 Assistant United States Attorney
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